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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 693rd MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 24 January 2001, at 10 a.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Dominican Republic (CRC/C/8/Add.40; CRC/C/Q/DOMREP/1; written replies of the Dominican Republic (document without a symbol distributed in the meeting room in Spanish and English))

1. At the invitation of the Chairperson, Mr. Veras, Ms. Joa, Ms. Vicioso, Mr. Flores, Ms. Santana, Ms. Bello de Kemper and Ms. Tejada (Dominican Republic) took places at the Committee table.

2. Mr. VERAS (Dominican Republic) said that when the Dominican Republic had ratified the Convention in 1991 it had begun an unprecedented process of amending laws, policies and programmes relating to children, in the context of a more general effort at protecting human rights in the country. Before the Convention had been incorporated into the Dominican legal order, establishing a system of comprehensive protection for children and adolescents, the country's legislation had covered only children whose rights were violated or child offenders. The Dominican Republic had participated in the World Summit on Children, and had committed itself to taking the legislative measures necessary for implementing the Convention, in pursuance of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

3. For example, in 1994 the Code for the Protection of Children and Adolescents had entered into force, fully reflecting the spirit of the Convention with regard to protection of children and adolescents. In an effort to establish effective legal mechanisms, the Dominican Republic had also adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice - in accordance with which special children's courts had been established - and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Much remained to be done in the area of children's rights, and his delegation's appearance before the Committee was motivated by a desire for honesty and a determination to establish a fruitful dialogue.

4. Ms. RILANTONO said that, unfortunately, the report was not in full conformity with the Committee's guidelines and certain gaps existed, although the updated material in the written replies provided for a better understanding of the country's situation with regard to children's rights. The State party had made considerable efforts in that area, despite the economic and social problems with which it had to cope. Significant progress had been achieved in the area of legislation, with the adoption of the Code for the Protection of Children and Adolescents (1995), the General Law on Education (1997), the Law against Family Violence (1997) and the General Law on Youth.

5. She asked what age groups were covered by the terms "children", "adolescents" and "young people" in the report and written replies and whether the entry into force of the Code for the Protection of Children and Adolescents had expedited the implementation of the Convention from the point of view of planning, resource development and administrative reforms.

6. More details would be appreciated about the links between the Governing Body responsible for supervising plans and programmes relating to children - whose activities appeared to be hampered by a lack of financial resources - and the Ministry of Youth, whose functions appeared to be quite similar. Did the Government intend to establish a national commission for the protection of children and adolescents, comprised of representatives of civil society and NGOs, whose goal would be to formulate national strategies for implementing the Convention? Such a commission might base itself on the work of the Children's Rights Committees at the community level, which, according to some sources, the State did not provide with adequate support.

7. As the State party was required under article 4 of the Convention to undertake measures for the implementation of children's rights to the maximum extent of its available resources, she would appreciate information on the financing of the various activities and asked whether the Dominican Republic was receiving international assistance for that purpose. Finally, how did the authorities intend to correct regional differences in education, sexual exploitation and the traffic in children, the problem of street children and discrimination against Haitian migrant workers?

8. Mr. DOEK asked whether the Dominican Government had evaluated the results of the 10-year national plan of action established to achieve the goals of the 1991 World Summit for Children, and, if so, what the results had been in the different areas. He would like to know whether the Governing Body supervised the human rights programmes prepared by the different ministries or whether it reported to a single ministry. Who was responsible for coordinating the various activities? What links and cooperation mechanisms existed between the Governing Body and the National Council for Children?

9. He would like to know whether an easily-accessible mechanism had been established to enable Dominican children to lodge complaints with the courts when their rights were violated. As it was important for the implementation of children's rights to be monitored by an independent body, not necessarily part of the judicial branch, he asked whether the Government had considered establishing an institution such as a national human rights commission or ombudsperson. What share of international financial assistance did the State earmark for social expenditures? How were the programmes conducted by the provincial authorities funded and was the necessary transparency guaranteed?

10. Ms. SARDENBERG said that in the 10-year period during which the Dominican Republic had been implementing the Convention, there had been encouraging results, but many problems persisted. The statistical data used in preparing the report referred to 1996, yet recent data was indispensable for targeting problems, formulating appropriate policies and monitoring the progress achieved. Was the Government endeavouring to establish a more efficient data collection system?

11. Cooperation with NGOs was not yet sufficient, being limited to participation by two NGOs in the discussions of the Governing Body. Did the new Government plan to establish closer links with the NGOs in the country and to increase their participation in decision-making? The establishment of Children's Rights Committees comprised of volunteers was commendable, but it was regrettable that the Government provided them with no assistance. It would be

interesting to know how such committees functioned, whether the volunteers could follow training courses and whether the Government planned to establish closer links with the committees.

12. Were the conclusions of the survey in which Dominican children had been asked to describe the ideal country which they would like to inherit available, and, if so, what were they? Did the new Government intend to take the children's opinions into account in defining a new policy on children? Finally, what was the new Government's position with regard to the Inter-American Court of Human Rights decision of 18 August 2000 on preventive measures concerning Haitian immigrants?

13. Mr. RABAH asked for details on the coordination of the different bodies, councils and other offices responsible for children's programmes. How were the funds distributed among the different bodies? Was training provided for people whose profession brought them into contact with children, in particular teachers? Were campaigns to raise children's awareness of the Convention conducted in primary schools? Finally, could the delegation explain the definition of the child given in the report and state the reason why the age of consent to marriage was not the same for boys and girls?

14. Ms. TIGERSTEDT TÄHTELÄ noted that the Dominican Republic was in the midst of an economic boom, due especially to the increase in tourism and foreign investment; the Government should therefore be able to assign more resources to children's programmes. She therefore asked to know the budget allocations for health, education and social welfare. Had the social welfare sector received the planned 10 per cent increase in allocations? She would also like to know whether decisions on matters relating to health, social welfare and education, in particular, were taken on a centralized basis or by the communities themselves. Were the communities empowered to collect taxes to fund their programmes? What were the modalities for the State's distribution of resources to the communities?

15. Mr. VERAS (Dominican Republic) said that under Act No. 14-94, a children's protection apparatus had been established, organized around a Governing Body for the Protection of Children, with representation at the regional and provincial levels. The Governing Body was comprised of representatives of the State Secretariat for Public Health and Social Welfare, the State Secretariat for Education and Culture, the Ministry of Justice, the National Council for Children and the Technical Secretariat of the Office of the President, plus two representatives of NGOs. Through its Executive Technical Department, the Governing Body was responsible for promoting children's rights, supervising the activities, plans and programmes set up by NGOs and government bodies and helping define guidelines for government action. There was also a governmental advisory body, in which governmental bodies and NGOs took part, which was in charge of monitoring the implementation of government decisions. It was also responsible for redefining regional and provincial development plans to take account of needs observed in the field. Finally, the Dominican Government was currently evaluating, jointly with UNICEF, all children's activities being conducted with a view to formulating a new national plan for children.

16. Ms. SANTANA (Dominican Republic) said that, according to the Children's Code, an individual was considered to be a child until the age of 12 and an adolescent from 13 to 18 years of age. It was true that the age of consent to marriage differed for girls and boys, but the revision of the Civil Code being conducted as part of the process of adapting internal law to provisions of the Convention should eliminate that disparity.

17. There was no children's ombudsperson as such, or mechanism for receiving children's complaints, but there were children's shelters in the Dominican Republic which came to the assistance of children who had been victims of violence. The children had to be accompanied by an adult in order to be heard.

18. Ms. JOA (Dominican Republic) said that the final version of the report on action undertaken by the Dominican Republic to achieve the objectives of the World Summit for Children should be available by the end of January 2001. Brochures published under the supervision of the State Secretariat for Education and Culture had been distributed by UNICEF to school-age children with a view to familiarizing them with the Convention. The Government had planned to train teachers in the Convention's provisions, but it had been necessary to postpone the project for lack of financing.

19. Ms. VICIOSO (Dominican Republic) said that the situation of girls had improved considerably as far as education was concerned; more girls than boys were now completing primary school, girls accounted for 56 per cent of secondary school children and the number of young women enrolled in higher education had been increasing steadily for the last 10 years. Girls traditionally chose the social sciences or literary branches, while boys specialized in technical or scientific areas. Significant progress had been achieved with the adoption of the Law against Family Violence, the culmination of a 20-year campaign by various feminist movements supported by NGO networks. Much remained to be done, and efforts should now be channelled into improving the situation of girl children.

20. The new Government had made education, health, food and housing its four major priorities and allocated an unprecedented share of the budget to education. The resources assigned to the Governing Body came from a special fund managed by the President of the Republic. The results of the survey conducted to identify the hopes and expectations of children and adolescents and to highlight the deficiencies in domestic legislation in relation to the provisions of the Convention would be submitted to the Council of Ministers and taken into consideration in the national plan for children, to be prepared in cooperation with UNICEF.

21. For several years the Dominican Republic had been working towards greater involvement by civil society and NGOs in decision-making. The initial report had been submitted to NGOs for comments and proposed amendments at a meeting with the Government, and two NGOs were members of the Governing Body.

22. Mr. VERAS (Dominican Republic) said that the Dominican Republic was anxious to guarantee immigrants from Haiti their fundamental rights but did not have sufficient resources to resolve the problem by itself, and hoped to receive support from the international community to

do so. Action to combat poverty was one of the Government's main objectives: an anti-poverty committee had been established by presidential decree with the goal of defining priorities and formulating policies, in cooperation with a representative of children's NGOs.

23. The decentralization process took the form of provincial and regional plans, implemented by the provincial and regional councils, whose members included Government representatives appointed by presidential decree and representatives of NGOs in each voting district.

24. The State had set up a hotline for victims of child abuse. It was coordinated by an NGO with the support of the Family Institute. Efforts aimed at achieving better geographical coverage for that service, which provided support and counselling, and technical assistance would be welcome.

25. Ms. JOA (Dominican Republic) said that the Ministry of Education was currently negotiating a $30 million loan for school enrolment of all children over five throughout the territory. It had also begun a programme for the construction of 2000 centres throughout the country for the education of three- and four-year-olds, with family and community participation. At the secondary level, the Ministry was negotiating a $90 million loan with the Inter-American Development Bank for the construction of vocational training centres. Several loans for protection and prevention activities in the area of mother and child health had also been concluded.

26. In October 2000, the President had ordered the beginning of a decentralization process, with the establishment of seven regional councils representing the different provinces, which would be assigned their own budgets by the national bureau. The decentralization had included the establishment of regional health departments, but it had not been completed in all sectors and it was too early to say how rapidly progress would be achieved.

27. Mr. FLORES (Dominican Republic) said that the age of marriage was 18 years, but that a minor could become emancipated, with parental consent, at 16, thus acquiring the legal capacity to contract marriage.

28. Ms. RILANTONO noted that only a minority of children were issued a birth certificate, which was needed in order to inherit and to register in school; she asked what were the obstacles to systematic registration of births: was the problem one of cost or lack of information?

29. She would like to know what measures the State party intended to take concerning police brutality, which, according to some sources, affected children, and she urged it to accede to the Convention against Torture. Measures for children not enrolled in school and street children would also be desirable. Moreover, it appeared that many families adopted children ostensibly to raise them but in fact to exploit them. Such children were not enrolled in school and worked either as domestic servants or in their adoptive parents' businesses. According to outside sources, the high number of adolescent pregnancies was another disturbing problem.

30. It would be interesting to know how children's freedom of expression and religion was considered in the State party. Was it considered to be a right, or was the culture a more authoritarian one?

31. Mr. DOEK stated that the persistence of numerous forms of discrimination against Haitian children living in the Dominican Republic was largely due to the lack of appropriate legislative provisions to protect them. Action in the legal sphere would be an indication of the Government's intention to improve the situation.

32. Noting with satisfaction the various measures taken to combat family violence, he asked what their results had been, how many awareness-raising campaigns had been conducted and how many prevention and treatment services had been established. How were children encouraged to report the perpetrators of ill-treatment and what channels were accessible to them for lodging complaints? How was the procedure conducted? On the other hand he was surprised to see that there were no NGOs on the National Commission for the Prevention and Elimination of Family Violence.

33. It would also be useful to know whether mechanisms had been established to provide support and counselling for families in difficulty and whether a policy existed to help parents meet their responsibilities in order to protect children against all forms of violence or neglect and to combat juvenile crime. In the case of single-parent families, most often headed by women, what was done to ensure that maintenance obligations were met? How many cases involving the obligation to provide maintenance had been brought before the courts?

34. He would also like to know how many children had been placed with foster families or in institutions and whether special steps were taken to facilitate family reunification when children had temporarily been removed from their parents' care. He noted that minors were at times kept in pre-trial detention for a relatively lengthy period, and asked what was done to avoid that type of situation.

35. He would like to know whether children were consulted when school curricula or internal rules were drawn up. More generally, how did the Government plan to change attitudes in order to guarantee children the right to express their views and to be heard?

36. Mr. RABAH asked what means were used to raise public awareness of the problem of corporal punishment and to combat it in schools and families. Were statistics available on the number of incidents reported and cases brought before the courts? What exactly was the role of the new children's shelters for abused children and how did they operate?

37. Ms. SARDENBERG said that membership of NGO representatives on the Governing Body was not sufficient for establishing genuine cooperation with the Government and that meetings and exchanges should also be developed with civil society. Strengthening of cooperation with international organizations would help facilitate the collection of up-to-date statistics. Having learned through the press of a preliminary draft amendment to the Code for the Protection of Children and Adolescents increasing certain penalties against parents, she said she was concerned at the implications of such a measure, which ran the risk of provoking strong resistance and even setting back the clock.

38. She noted that significant progress had been achieved in the advancement of women but that there seemed to have been no improvement in the situation of girls; the reasons for that gap should be explored. In particular, concrete measures should be taken to address the problem of child domestic labour.

39. The World Conference against Racism, to be held in September 2001, provided the Government of the Dominican Republic with an opportunity to address the situation of Haitian immigrants not only from a political and economic point of view, but also with recognition of its racial aspects. The problem had to be dealt with frankly and action taken at both the national level, with the entire society involved, and at the international level.

40. Ms. TIGERSTEDT-TÄHTELÄ expressed concern at the situation of the Haitians, whose exclusion and exploitation seemed to have been accepted as normal.

41. Mr. VERAS (Dominican Republic) acknowledged that, despite the efforts made much remained to be done in order to guarantee the right of each child to have a birth certificate; the country would need technical and financial assistance in resolving that problem.

42. Ms. VICIOSO (Dominican Republic) said that the perception of Haitians in the country varied widely. Although there were indeed various forms of discrimination against them, attitudes were changing, under the influence of intellectual circles, and the situation was improving. It was necessary to avoid simplifying and to bear in mind that the problem was complex and involved many historical and cultural factors. It was difficult to determine the exact number of Haitian children living in the Dominican Republic, as available figures varied according to the source and were nearly 10 years out of date. The Government had made a census of the Haitian population one of its priorities. It also deemed urgent a revision of migration policies in order to clarify the situation of Dominicans who had emigrated to the United States and Haitian immigrants who had settled in the Dominican Republic. The national legislation should be amended to gain control over migration flows. There was an additional difficulty with regard to Haitian children born in the Dominican Republic to immigrant parents, as they were considered under the Haitian Constitution to be Haitian citizens. Consultations on the subject were under way between the two countries.

The meeting rose at 1.05 p.m.